

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA, ) No. CR 07-785 SI  
12 Plaintiff, )  
13 ) STIPULATION AND [PROPOSED] ORDER  
14 v. ) EXCLUDING TIME UNDER THE SPEEDY  
15 SISILIA OSAI, ) TRIAL ACT AND REQUESTING A CHANGE  
16 Defendant. ) OF PLEA HEARING ON JANUARY 25, 2008  
\_\_\_\_\_ )

17  
18 With the agreement of the parties, the Court enters this order setting the matter on January  
19 25, 2008, at 11:00 a.m., or the earliest available date thereafter, for a change of plea, and excluding  
20 time from the date of this order to January 25, 2008, under the Speedy Trial Act, 18 U.S.C. §  
21 3161(h)(8)(B)(iv) and (h)(1)(G). The parties agree, and the Court finds and holds, as follows:

22 1. The above-captioned case was transferred to the Northern District of California from the  
23 District of Hawaii pursuant to Rule 20 of the Federal Rules of Criminal Procedure. The Clerk's  
24 Office for the Northern District of California officially accepted the transfer on December 12, 2007.  
25 The period of time between the case being transferred from the District of Hawaii through and  
26 including December 12, 2007 is excluded from the Speedy Trial Act pursuant to Section  
27 3161(h)(1)(G).

1           2. Ordinarily, under these circumstances, the parties would request the first available date for  
2 a change of plea before this Court. However, prior to the transfer of her case, the defendant, Sisilia  
3 Osai, had been represented by Josh Cohen, formerly of the Office of the Federal Public Defender  
4 (OFPD). Upon Mr. Cohen's departure from the office, her case was transferred to FPD Ronald  
5 Tyler. Mr. Tyler will be unavailable and unable to meet with his client or appear in court for the  
6 remainder of 2007. The Assistant United States Attorney handling the case, Candace Kelly, will be  
7 out of the country and unavailable from January 1, 2008 through and including January 21, 2008.

8           3. Due to the unavailability of counsel for both parties, the first available date to set the  
9 change of plea in this matter is January 25, 2008 at 11:00 a.m. before this Court. The parties jointly  
10 request that this matter be set on that date, or the earliest available date thereafter, for a change of  
11 plea.

12           4. The Court finds that there is good cause for the extension of time described in paragraphs  
13 2 and 3 above, and that the ends of justice served by granting these continuances outweigh the best  
14 interests of the public and of the defendant in a speedy trial and the prompt disposition of criminal  
15 cases. 18 U.S.C. § 3161(h)(8)(A) and (B)(iv). The Court further finds that failure to grant the  
16 continuance would deny both parties continuity of counsel under 18 U.S.C. § 3161(h)(8)(B)(iv).

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27

5. Accordingly, and with the consent of the defendant, the Court (1) sets the change of plea hearing for January 25, 2008, at 11:00 a.m., (2) continues the matter until that time, and (3) orders that the period from the date of this order through and including January 25, 2008 be excluded from the Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

SO STIPULATED.

DATED: December 14, 2007

/S/  
RONALD TYLER  
Attorney for Defendant Osai

DATED: December 14, 2007

/S/  
CANDACE KELLY  
Assistant United States Attorney

IT IS SO ORDERED.

DATED: \_\_\_\_\_

SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE